

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
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DATE FILED: 1/17/13

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TODD KREISLER,	:
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Plaintiff,	:
	:
-v-	:
	:
KAIS ABID, et al.,	:
	:
Defendants.	:
	:
X	

12 Civ. 4052 (PAE)

ORDER TO SHOW  
CAUSE

PAUL A. ENGELMAYER, District Judge:

The plaintiff in this case has asked the Court issue an order to show cause why default judgment should not be entered against defendant Kais Abid. The Court is issuing such an order.

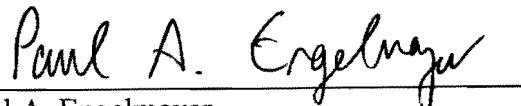
By way of background, plaintiff has already once sought a default judgment against Abid in this case. On November 8, 2012, the Court issued an order to show cause as to Abid and co-defendant Parker East 24th Apartments, LLC (“Parker”). The Court scheduled the default judgment hearing for December 10, 2012. On that date, counsel for plaintiff and the non-defaulting defendant, 305 East 24th Owners Corp. (“305”), appeared. *See* Dkt. 40 (“Tr.”) at 1. Counsel for Abid arrived 38 minutes late. Tr. 15–16. Thus, the Court did not enter default judgment against Abid. However, the Court did enter default judgment against Parker, because neither Parker nor its counsel ever appeared. Dkt. 39. At the same conference, the Court instructed counsel for Abid to file a notice of appearance on ECF by the end of the day and to respond to Kreisler’s complaint within three days. Kreisler and Abid also agreed to a case management plan, which the Court issued. Dkt. 38.

That same day, counsel for Abid filed a notice of appearance. Dkt. 32–33. To date, however, Abid has not responded in any way—there has been no motion or answer.<sup>1</sup> On January 17, 2013, the Clerk of Court issued yet another certificate of default as to Abid.

Abid is directed to submit an attorney's declaration stating why he has yet again failed to respond to Kreisler's complaint. If such a declaration is not received by **January 24, 2013**, the Court will enter default judgment against Abid. Simultaneous with the filing of any such declaration, Abid is directed to submit his response to the Amended Complaint (*i.e.*, an answer or motion).

The original complaint was filed May 22, 2012. The Amended Complaint was filed on August 3, 2012. Since then, the Court has been compelled to issue two separate orders to show cause as to Abid. Abid's failure to respond is unacceptable and unprofessional, and will not be tolerated.

SO ORDERED.

  
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Paul A. Engelmayer  
United States District Judge

Dated: January 17, 2013  
New York, New York

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<sup>1</sup> The Court notes that on January 15, 2013, Barry N. Frank, Esq., counsel for Abid, filed a notice of interlocutory appeal, Dkt. 44, from the default judgment entered against Parker, Dkt. 39. Parker is a different defendant than Abid. Parker never made an appearance before this Court, and Mr. Frank, in belatedly appearing before the Court at the December 10, 2012 conference on behalf of Abid, affirmatively stated that he did not represent Parker. Tr. 16.